

### REMARKS

Applicants thank the Examiner for the time that was generously extended during the February 24, 2009 telephonic interview. Applicants have cancelled claims 2-3, 6, 10, 13, 27, 31 and 41 without prejudice. Applicants reserve the right to file continuing applications on any cancelled or deleted subject matter.

#### Rejections under 35 U.S.C. § 102(b)

(1) The Office has rejected claims 1 to 3, 6 to 13, 15, 16 and 42 under 35 U.S.C. § 102(b), alleging that these claims are anticipated by Bender et al., (US 5,753,653). Applicants have cancelled claims 2, 3, 6, 10 and 13 without prejudice. Applicants respectfully traverse this rejection of claims 1, 7-9 and 11-12.

As discussed during the interview of the Examiner, which is summarized in the Examiner Interview Summary, Applicants have amended claim 15 by requiring that p is 1-3. Applicants have also amended claim 1 by putting the limitations of claim 13 into claim 1 and requiring that the corresponding definition of p in claim 15 (p is defined as 1-3 in claim 15) on the phenyl ring be incorporated into claim 1 (i.e., that there be 1-3 R<sup>2</sup> substituents on the first phenyl ring in claim 1, wherein R<sup>2</sup> corresponds to R<sup>15</sup> group in claim 15). Bender et al. do not disclose any groups that correspond to R<sup>2</sup> in the instant claims, and furthermore, Bender et al. do not give the skilled artisan any reason to make any modifications that would be necessary to arrive at Applicants' claimed compounds.

Since each and every element of the claimed invention is not disclosed within Bender et al., the pending claims are novel in view of Bender et al. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

(2) The Office has rejected claims 1 to 3, 7 to 12, 15, 16, 29-33 and 42 under 35 U.S.C. § 102(b), alleging that these claims are anticipated by Neya et al., (US 6,333,324). Applicants have cancelled claims 2, 3, 6, 10 and 13 without prejudice. Applicants respectfully traverse this rejection of claims 1, 7-12, 15, 16, 29-30, 32-33 and 42.

As discussed during the interview of the Examiner, which is summarized in the Examiner Interview Summary, Applicants have amended claim 15 by requiring that p is

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1-3. Applicants have also amended claim 1 by putting the limitations of claim 13 into claim 1 and requiring that the corresponding definition of p in claim 15 (p is defined as 1-3 in claim 15) on the phenyl ring be incorporated into claim 1 (i.e., that there be 1-3 R<sup>2</sup> substituents on the first phenyl ring in claim 1, wherein R<sup>2</sup> corresponds to R<sup>15</sup> group in claim 15). Neya et al. do not disclose any groups that correspond to R<sup>2</sup> in the instant claims, and furthermore, Neya et al. do not give the skilled artisan any reason to make any modifications that would be necessary to arrive at Applicants' claimed compounds.

Since each and every element of the claimed invention is not disclosed within Neya et al., the pending claims are novel in view of Neya et al. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

#### Claim Objections

The Examiner stated that claims 4-6, 14, and 17-28, and 34-40 are objected to for being dependent on a rejected claim, but would be allowable if rewritten in independent form.

In response to the Examiner's Interview, Applicants have reviewed all compounds in Neya et al., and Applicants have not found any C<sub>1</sub>-C<sub>6</sub>-alkoxy-C<sub>1</sub>-C<sub>6</sub>-alkoxy groups in any of Examples 1-273 as is required in the amended definition of R<sup>1</sup> of instant claim 4. Applicants have rewritten claim 4 and 14 in independent form. All of dependent claims 17-26, 28 and 34-40 depend on claims which are in allowable form. Applicants also have removed the term "comprising" in claims 11 and 12 and replaced it with an appropriate term "having".


Accordingly, Applicants respectfully request reconsideration and withdrawal of these objections to the pending claims.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the present application is in condition for allowance, which action is earnestly solicited.

No fees are believed to be due in order to process this document and any paper attached. Should the U.S. Patent Office determine that an extension of time and/or other relief is required at this time, the Commissioner is authorized to charge the cost of such relief and/or fees to Deposit Account No. 50-1108, referencing EX03-039C-US.

Respectfully submitted,

Date: March 23, 2009

  
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